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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,437	01/28/2002	Joachim Hossick-Schott	P-10320.00	4301

7590

10/08/2003

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EXAMINER

LEADER, WILLIAM T

ART UNIT	PAPER NUMBER
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1742

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,437

Applicant(s)

HOSSICK-SCHOTT, JOACHIM

Examiner

William T. Leader

Art Unit

1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10-12 and 27 is/are rejected.
- 7) ☐ Claim(s) 4-9, 13-26 and 28-30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 10-12 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melody et al (6,261,434) in view of Kinard et al (6,235,181).

3. The Melody et al patent is directed to a process for a process for anodizing a pressed and sintered valve metal anode. See example 1. Melody et al disclose that a power supply capable of maintaining both constant current and constant voltage by applying a constant current until a preset voltage is reached and then holding the anode bodies at constant voltage for a preset amount of time (column 6, lines 31-37). Thus, the voltage ramps up from a starting voltage to a target voltage over a formation time as recited in instant claim 1.

4. The process of instant claim 1 differs from Melody et al by reciting the application of potential pulses. The Kinard et al patent is also directed to a process for anodizing valve metal objects. Kinard et al teach that a pulsed voltage may be utilized to achieve a more uniform oxide thickness within porous anode bodies than is readily obtained with d.c. voltage (column 1, lines 54-57).

5. The prior art of record is indicative of the level of skill of one of ordinary skill in the art. It would have been obvious at the time the invention was made to have utilized pulsed voltage as taught by Kinard et al in the process of Melody et al because more uniform oxide thickness would have been obtained.

6. Instant claim 2 additionally differs from the process of Melody et al by reciting the step of agitating the electrolyte, while claim 3 recites that the agitating comprises stirring. Kinard et al teach that temperature fluctuations within the anodizing bath can be drastically reduced by the use of impellers or ultrasonic agitation (column 2, lines 32-24). It would have been obvious at the time the invention was made to have stirred the anodizing electrolyte of Melody et al as taught by Kinard et al because temperature fluctuations would have been reduced.

7. Instant claim 10 recites that the pulse amplitude of the potential (voltage) is allowed to increase until the pulse amplitude reaches the target formation potential, while claim 11 recited maintaining a constant current until the amplitude reaches the target formation potential. The teaching of Melody et al that a constant current is applied until the voltage reaches a preset value meets these limitations. Melody et al also teach the anode bodies are then maintained at a constant voltage. As the oxide layer increases in thickness and its electrical resistance grows, under the application of a constant voltage the current decreases. Thus, Melody et al meets the limitations of claims 12 and 27.

8. Claims 4-9, 13-26 and 28-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record does not suggest the specific limitations of these claims.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Fujisada patent (4,863,880) is directed to anodic oxidation. Figure 2 illustrates a process in which a constant current followed by a constant voltage is utilized. The Loch et al patent (4,517,059) discloses an anodizing process in which the duration of the anodizing pulses is adjusted. See figure 2B. The Pernick et al (4,839,002) discloses apparatus for pulsed anodizing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William T. Leader whose telephone number is 703-308-2530. The examiner can normally be reached on Mondays-Thursdays and alternate Fridays, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King, can be reached on 703-308-1146. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Application/Control Number: 10/058,437

Page 5

Art Unit: 1742

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

WL
William Leader
September 30, 2003

ROY KING
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700